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UNITED STATES PATENT AND TRADEMARK OFFICE

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10/805,279	03/22/2004	Kosuke Haruki	04329.3278	8970

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
RAMAKRISHNAIAH, MELUR

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/805,279	HARUKI, KOSUKE
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>3-22-04, 8-25-04</u>. 8-25-04

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C 102(b) as being anticipated by Ito (JP05-260193).

Regarding claim 1, Ito discloses a videophone device for transmitting/receiving

an image and voice to/from another device through a network, comprising: a voice input

unit in (2-1, Drawing 1) configured to input voice data , an image input unit in (2-1,

Drawing 1) configured to input image data, a text data generating unit (13/14, Drawings

1-2) configured to generate text data while at least one of the image data and the voice

data is being input, a synthesizing unit (12/15, Drawings 1-2) configured to synthesize

the voice data, the image data and text data to obtain data, a communication unit (12,

Drawings 1-2) configured to transmit the data obtained by the synthesizing unit

(paragraphs: 0006 – 0013).

Regarding claim 2, Ito further teaches the following: synthesizing unit (12/15,

Drawings 1-2) generates relevant information indicating a relationship of text data with

the image data and voice data with respect to time (paragraphs: 0011 – 0013).

3. Claims 7, 10, 17, are rejected under 35 U.S.C 102(b) as being anticipated by Kano et al.

(JP2001-298555, hereinafter Kano).

Regarding claim 7, Kano discloses a videophone device for transmitting/receiving an

image and voice to/from another device through a network, comprising: communication unit (20,

Drawing 1) configured to receive through a network, data in which image data and text data are

synthesized (see abstract, paragraphs: 0015-0016), a dividing unit configured to dive the data

received by the communication unit into image data and text data (Drawing 5, paragraphs: 0063-

0064), an image processing unit configured to synthesize a text data based on text data obtained

by dividing of the divding unit with the image data obtained by dividing of the dividing unit

(drawing: 5), an image output unit (22, Drawing 1) configured to output an image based on the

image data with which text is synthesized by the image processing unit (paragraphs: 0015-0018).

Regarding claim 10, Kano discloses a videophone device which is to be connected to

another device through a network, comprising: an image input unit (23, Drawing 1) configured to

input image data, a text data input unit configured to input text data while the image data is being

input, a synthesizing unit configured to synthesize the image data and the text data to obtain

synthetic data, and a communication unit (27, Drawing 2) configured to transmit the synthetic

data obtained by the synthesizing unit through the network (paragraphs: 0013 –0020 and

Drawing 5).

Regarding claim 17, Kano discloses data transmitting method of a video phone system

for transmitting/receiving an image and voice to/from videophone device through a network,

comprising: in a first videophone device (20, Drawing 1), inputting voice data and image data,

and generating text data while inputting the voice data and the image data, and synthesizing

voice data, the image data and the text data to obtain synthetic data, and transmitting the

synthetic data through the network (12, Drawing 1), and in a second video phone device (20,

Drawing 1) receiving the data transmitted from the first videophone device through the network,

dividing the image data and text data (Drawing 5) of the transmitted data, and synthesizing the

text based on the text data with the image data to obtain synthetic data, and outputting synthetic

data (paragraphs: 0013 –0020 and Drawing 5).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of

Kamura (JP 2000-032422).

Regarding claim 3, Ito does not teach the following: text data generating unit includes

voice recognizing unit configured to execute voice recognition on voice data input by voice input

unit, to thereby generate text data.

However, Kamura discloses image transmitter which teaches the following: text data

generating unit includes voice recognizing unit configured to execute voice recognition on voice

data input by voice input unit, to thereby generate text data (Drawings: 1-2, see abstract and

paragraph:0009).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention

was made to modify Ito's system to provide for the following: text data generating unit includes

voice recognizing unit configured to execute voice recognition on voice data input by voice input

unit, to thereby generate text data as this arrangement would facilitate language translation using

voice recognition in communication between parties as taught by Kamura.

6.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of

Miyazaki et al. (JP 2002132639A, hereinafter Miyazaki).

Regarding claim 4, Ito does not teach the following: text data generating unit includes a

data input unit configured to generate text data based on data input from an input device.

However, Miyazaki discloses system for transmitting language data and method for the

same which teaches the following: text data generating unit (13, fig. 1) includes a data input unit

configured to generate text data based on data input from an input device (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention

was made to modify Ito's system to provide for the following: text data generating unit includes

a data input unit configured to generate text data based on data input from an input device as this

arrangement would facilitate to input information for processing data suitable for different users

as taught by Miyazaki, thus enhancing user convenience.

7.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Ohki

et al. (US PAT: 6,477,239, hereinafter Ohki).

Regarding claim 5, Ohki does not teach the following: synthesizing unit includes

an adjusting unit configured to adjust synthesizing of the text data generated by text

data generating unit with the image data and the voice data, such that reproduction of

the image data and voice by the other device is synchronized with displaying of text by

the other device.

However, Ohki discloses sign language telephone device which teaches the following:

synthesizing unit includes an adjusting unit configured to adjust synthesizing of the text data

generated by text data generating unit with the image data and the voice data, such that

reproduction of the image data and voice by the other device is synchronized with displaying of text by the other device (figs. 10-12, col. 15, line 40 – col. 16, line 58).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Ito's system to provide for the following: synthesizing unit includes an adjusting unit configured to adjust synthesizing of the text data generated by text data generating unit with the image data and the voice data, such that reproduction of the image data and voice by the other device is synchronized with displaying of text by the other device as this arrangement would facilitate the user to obtain unified information consistent for human observation/perception as taught by Ohki.

8.   Claims 8-9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kano in view of Ohki.

Regarding claims 8-9, 18, Kano does not teach the following: a storage unit configured to store data received by the communication unit, and a recording and reproducing unit to cause the data stored in the storage unit to be divided by the dividing unit, an adjusting unit for adjusting the timing at which text is synthesized with the image data by the image processing unit, adjusting synthesizing of text data generated by text data generating unit with the image data and voice data such that reproduction of an image and voice by the other device is synchronized with displaying of a text by the other device.

However, Ohki teaches the following: a storage unit (378, fig. 3) configured to store data received by the communication unit, and a recording and reproducing unit to cause the data stored in the storage unit to be divided by the dividing unit, an adjusting unit for adjusting the

timing at which text is synthesized with the image data by the image processing unit, adjusting

synthesizing of text data generated by text data generating unit with the image data and voice

data such that reproduction of an image and voice by the other device is synchronized with

displaying of a text by the other device (fig. 3 col. 11 lines 59-67, col. 12, line 59 – col. 13, line

14).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention

was made to modify Kano's system to provide for the following: a storage unit configured to

store data received by the communication unit, and a recording and reproducing unit to cause the

data stored in the storage unit to be divided by the dividing unit, an adjusting unit for adjusting

the timing at which text is synthesized with the image data by the image processing unit,

adjusting synthesizing of text data generated by text data generating unit with the image data and

voice data such that reproduction of an image and voice by the other device is synchronized with

displaying of a text by the other device as this arrangement would facilitate displaying data

synchronously as taught by Ohki, thus facilitating communication between partners with

different communication abilities.

9.   Claims 11-14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in

view of Striemer (US PAT: 2003/0051083 A1).

Regarding claim 11, Ito discloses a videophone device which is to be connected to

another device, through a network, comprising: a communication unit (12, Drawings: 1-2) to

receive data, in which image data and text data are synthesized through the network, a dividing

unit in (2-1/2-2, Drawing 2b) configured to divide the data received by the communication unit

into image data and text data (see abstract), a voice output unit in (2-1/2-2, Drawings: 1-2) to

output voice, an image output unit in (2-1/2-2, Drawings: 1-2) configured to output an image based on the image data obtained by the dividing unit (paragraphs: 0007 –0013).

Ito differs from claim 11 in that he does not teach the following: a voice-synthesizing unit configured to perform voice synthesis based on text data.

However, Striemer discloses wireless companion device that provides non-native function to an electronic device which teaches the following: a voice-synthesizing unit (720, fig. 7) perform voice synthesis based on text data (figs. 4, 7, paragraph: 0044).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Ito's system to provide for the following: a voice-synthesizing unit configured to perform voice synthesis based on text data as this arrangement would facilitate obtaining voice information from text data to suit users application requirements as thought by Striemer (paragraph: 0006).

Regarding claim 12, Ito discloses a videophone device configured to transmit/receive an image and voice to/from another device through a network, comprising: a information receiving unit (1, Drawings: 1-2) configured to receive information indicating a unit provided in the other device, from the other device (2-1/2-2, Drawings: 1-2), through the network, a voice input unit in (2-1/2-2, Drawings: 1-2) configured to input voice data, an image input unit in (2-1/2-2, Drawings: 1-2) configured to input image data, a text data generating unit (13, Drawings: 1-2) configured to generate text data while the image and voice data are being input by the image input unit and voice input unit, respectively, transmitting unit configured to transmit the data (paragraphs: 0007 –0013).

Ito differs from claim 12 in that he does not teach the following: a synthesizing unit configured to selectively synthesize the voice data, the image data and the text data in accordance with the information indicating the unit provided in the other device, which is received by the information receiving unit, thereby obtaining synthetic data, and transmitting synthetic data.

However, Striemer teaches the following: a synthesizing unit configured to selectively synthesize the voice data, the image data and the text data in accordance with the information indicating the unit provided in the other device, which is received by the information receiving unit, thereby obtaining synthetic data, and transmitting synthetic data (paragraphs: 0044 – 0047 and 0050 – 0051).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Ito's system to provide for the following: a synthesizing unit configured to selectively synthesize the voice data, the image data and the text data in accordance with the information indicating the unit provided in the other device, which is received by the information receiving unit, thereby obtaining synthetic data, and transmitting synthetic data as this arrangement would facilitate obtaining synthetic data by processing various information to suite the application requirements of the user as thought by Striemer.

Regarding claim 13, Ito teaches the following: an information transmitting unit (1, Drawings: 1-2) configured to transmit information indicating units provided in the videophone device, to the other device, through the network (paragraphs: 0007 –0013): but he does not teach the following: a setting unit configured to set the units in accordance with the information

transmitted by the information transmitting unit, in such a manner as to allow optional one or more units to be used.

However, Striemer teaches the following: a setting unit configured to set the units in accordance with the information transmitted by the information transmitting unit, in such a manner as to allow optional one or more units to be used (paragraphs: 0036, 0044 – 0047, 0050-0051).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Ito's system to provide for the following: a setting unit configured to set the units in accordance with the information transmitted by the information transmitting unit, in such a manner as to allow optional one or more units to be used as this arrangement would facilitate obtaining required information to suite application requirements of the user as taught by Striemer.

Regarding claim 14, Ito discloses a data transmitting/receiving method of a videophone device for transmitting/receiving image and voice to/from another device through a network, comprising: generating first voice data and first image data, and generating first data while inputting the first image data and first voice data, receiving the data transmitted by other device (for example 2-1/2-2, Drawings 1-2) through the network, dividing the received data into second image data and second text data , adding the second text data to the second image data to obtain synthetic data (paragraphs: 0007 –0013).

Ito differs from claim 14 in that he does not teach the following: synthesizing the first voice data, the first image data and first text data to obtain synthetic data and transmitting synthetic data.

However, Striemer teaches the following: synthesizing the first voice data, the first image

data and first text data to obtain synthetic data and transmitting synthetic data (paragraphs: 0036,

0044 – 0047, 0050-0051).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention

was made to modify Ito's system to provide for the following: synthesizing the first voice data,

the first image data and first text data to obtain synthetic data and transmitting synthetic data as

this arrangement would give required data to suite the application requirements of the user

device as taught by Striemer.

Regarding claim 19, Ito discloses a data transmitting/receiving method of a videophone

device for transmitting/receiving an image and voice to/from another videophone device through

a network, comprising: in a first videophone device (2-1/2-2 Drawings: 1-2) inputting image

data, synthesizing the image data and text data to obtain synthetic data, outputting the synthetic

data, in a second videophone device (2-1/2-2 Drawings: 1-2), receiving the synthetic data

transmitted from the first videophone device through the network, dividing the transmitted data

into image data and text data, and output an image based on image data (paragraphs: 0011 –

0013).

Ito differs from claim 19 in that he does not teach the following: inputting text data and

performing voice synthesis based on the text data to output voice.

However, Striemer teaches the following: inputting text data and performing voice

synthesis based on the text data to output voice (figs. 4, 7-8, paragraphs: 0044 –0045).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention

was made to modify Ito's system to provide for the following: inputting text data and performing

voice synthesis based on the text data to output voice as this arrangement would facilitate the

user to listen to suitable text information arising out of various sources as taught by Striemer,

thus facilitating user convenience to listen to various sources of information.

10.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of

Striemer as applied to claim 14 above further in view of Kamura.

Regarding claim 15, the combination does not teach the following: executing voice

recognition on a first voice data, to thereby obtain the first text data.

However, Kamura discloses image transmitter which teaches the following: executing

voice recognition on a first voice data, to thereby obtain the first text data (paragraphs: 0007 –

0011).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention

was made to modify the combination to provide for the following: executing voice recognition

on a first voice data, to thereby obtain the first text data as this arrangement would facilitate

communication between persons who do not speech common language as taught by Kamura.

11.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of

Striemer as applied to claim 14 above further in view of Ohki.

The combination does not teach the following: adjusting synthesizing of the first text data

with the first image data and the first voice data such that reproduction of an image and voice by

the other device is synchronized with displaying of text by the other device.

However, Ohki teaches the following: adjusting synthesizing of the first text data with the

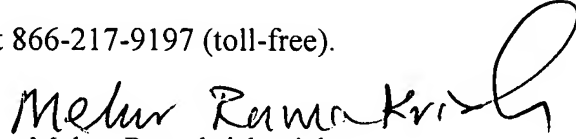first image data and the first voice data such that reproduction of an image and voice by the other

device is synchronized with displaying of text by the other device (col. 12, line 17 – col. 13, line 14).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: adjusting synthesizing of the first text data with the first image data and the first voice data such that reproduction of an image and voice by the other device is synchronized with displaying of text by the other device as this arrangement would facilitate displaying data synchronously as taught by Ohki, thus facilitating communication between partners with different communication abilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643